

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Andres Bryant et al.

Confirmation No.: 5054

Application No.: 09/978,528

Filed: October 17, 2001

Art Unit: 2826

For: DISPOSABLE SPACER FOR SYMMETRIC
AND ASYMMETRIC SCHOTTKY CONTACT
TO SOI MOSFET FOR CONTROLLING THE
BODY POTENTIAL

Examiner: A. N. Sefer

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed May 17, 2006 and the voice-message received from Examiner Sefer on May 22, 2006, Applicants submit that the Notification of Non-Compliant Appeal Brief was sent by the PTO in error.

Apparently, the Examiner initially interpreted Patent Rule 41.37(c)(iv) as requiring a section in the Appeal Brief that addressed all amendments in the case. However, the Examiner in his voice message to the undersigned now acknowledges that the Notification was in error, and that only amendments after final rejection are required to be addressed in the Appeal Brief.

Appellants Appeal Brief contained section IV ("Status of Amendments") which is submitted as being in compliance with the Patent Rules.

Accordingly, withdrawal of the holding that the Appeal Brief submitted on February 21, 2006 was non-compliant with the Patent Rules is respectfully requested. Applicants further request that the Examiner's Answer or Notice of Allowability be provided in response to the Appeal Brief in due course as required under the Rules.

Applicant believes no fee is due with this response. However, if a fee is due, please charge IBM Deposit Account No. 09-0456, under Order No. 21806-00142-US1 from which the undersigned is authorized to draw.

Dated: May 23, 2006

Respectfully submitted,

By /Larry J. Hume/

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